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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,173	03/26/2004	Yee Loong Chin	70030949-1	7995

7590 09/28/2005  
AGILENT TECHNOLOGIES, INC.  
Intellectual Property Administration  
Legal Department, DL429  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER

LIVEDALEN, BRIAN J

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,173	<b>Applicant(s)</b> CHIN ET AL.	
	<b>Examiner</b> Brian J. Livedalen	<b>Art Unit</b> 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-9, 11, 12-14, 16, 17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutchinson et al. (5235177).

In regard to claims 1, 6-9, 11, 12-14, 16, 17, and 19-21, Hutchinson discloses (fig. 1) a polaroid encoder and method of operating including a movable polarizing code element (12) having an opaque code (14); a detector module (28) to detect an amplitude of said movable polarizing code element; a first determination (24) module to identify quadrant of said movable polarizing code element based on how much illumination passes through a second portion of said movable polarizing code element, the code being in the second portion; and a second determination module (34) couple to receive the amplitude and quadrant and to determine an angular position of said movable polarizing code element using said amplitude and said quadrant. The detector module also detects how much illumination passes through the second portion and the opaque code obscures illumination from being received by the means for identifying the

quadrant (column 2, lines 15-55). Hutchinson further discloses a static polarizing filter (30) utilized to detect light amplitude.

***Claim Rejections - 35 USC § 103***

Claims 2, 3, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson et al. (5235177) in view of Tamiya et al. (6879405).

In regard to claims 2, 3, 10, and 18, Hutchinson discloses (fig. 1) a polaroid encoder and method for operating as set forth above. Hutchinson discloses a microprocessor (34) outputting a control signal but Hutchinson fails to disclose a controller that controls a device coupled with said movable polarizing code element. However, Tamiya discloses (fig. 24) an encoder that receives a control signal and a controller (302) that controls a device coupled with said movable polarizing code element (column 18, lines 41-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the controller of Tamiya to the encoder of Hutchinson in order to be able to correct the movement of the device.

Claims 4, 5, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson et al. (5235177) in view of Wijntjes (2005/0002032).

In regard to claims 4, 5, 15, and 22, Hutchinson discloses (fig. 1) a polaroid encoder and method for operating as set forth above. Hutchinson fails to disclose a polarizing filter covering a photodiode. However, Wijntjes discloses (fig. 1) a fixed polarizing filter (116) covering a detector (120) having a photodiode (page 3, paragraph

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0046). It would have been obvious to one of ordinary skill in the art at the time the invention was made to put the polarizing filter over the detector in order to more precisely measure the polarized light by more effectively eliminating ambient light. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a photodiode in order to effectively convert the light into a usable electric signal.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Livedalen whose telephone number is (571) 272-2715. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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